

HEARING DATE: APRIL 22, 2009 AT 10:00 A.M.  
OBJECTION DEADLINE: APRIL 17, 2009 AT 4:00 P.M.

DAY PITNEY LLP  
(MAIL TO) P.O. BOX 1945, MORRISTOWN, NJ 07962-1945  
(DELIVER TO) 200 CAMPUS DRIVE, FLORHAM PARK, NJ 07932-0950  
(973) 966-6300  
RICHARD M. METH, ESQ. (RM7791)  
HERBERT K. RYDER, ESQ. (HR5137)  
- AND -  
7 Times Square  
New York, NY 10036-7311  
(212) 297-5800

- AND -

FAIRFIELD AND WOODS, P.C.  
1700 Lincoln Street, Suite 2400  
Denver, CO 80203  
(303) 830-2400  
SCOTT T. RODGERS, ESQ. (19943)

ATTORNEYS FOR MIDCOUNTRY BANK

**UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:

LEHMAN BROTHERS HOLDINGS, INC.,  
*et al.*,

Debtors.

Chapter 11

Case No. 08-13555 (JMP)

(jointly administered)

**NOTICE OF HEARING ON MOTION OF MIDCOUNTRY BANK  
FOR ENTRY OF AN ORDER (i) GRANTING RELIEF FROM  
THE AUTOMATIC STAY, (ii) WAIVING THE 10-DAY STAY UNDER  
FED. R. BANKR. P. 4001(a)(3), AND (iii) GRANTING RELATED RELIEF**

**PLEASE TAKE NOTICE** that on April 22, 2009, at 10:00 a.m. or as soon thereafter as counsel may be heard, the undersigned counsel for MidCountry Bank ("MidCountry") shall move before the Honorable James M. Peck, United States Bankruptcy Judge, at the United States

Bankruptcy Court for the Southern District of New York, Room 601, One Bowling Green, New York, NY 10004 for the entry of an Order: (i) granting relief from the automatic stay, (ii) waiving the 10-day stay under Fed. R. Bankr. P. 4001(a)(3), (iii) allowing the termination of a certain contract with Aurora Loan Services, LLC (“Aurora”) and any related agreements as same may apply to or impact Lehman Capital and/or Lehman Brothers Holdings, Inc. (collectively, “LBHI” or the “Debtor”), (iv) determining that the Debtor is deemed to have given its consent to MidCountry’s preferred successor servicer, (v) determining that 11 U.S.C. § 362 does not prevent the recovery by MidCountry of its loan files from Aurora, and (vi) allowing LBHI to be named as a party in interest in the Colorado Action (the “Motion”).<sup>1</sup>

**PLEASE TAKE FURTHER NOTICE** that in support of the Motion, MidCounty shall rely upon the pleadings submitted herewith, oral argument at the hearing, and upon such other and further evidence as may be presented prior to or at the time of the hearing on the Motion, if any.

**PLEASE TAKE FURTHER NOTICE** that objections, if any, to the Motion must be in writing, setting forth the facts and authorities upon which an objection is based, filed with the Clerk of the Court, United States Bankruptcy Court, The Alexander Hamilton Custom House, One Bowling Green, New York, New York, 10004-1408, (a) through the Bankruptcy Court’s electronic filing system (in accordance with General Order M-242, as amended by General Order M-269); or (b) if a party is unable to file electronically such party shall submit the objection in PDF format on a diskette in an envelope with the case name, case number, type and title of document, document number of the document to which the objection refers, and the file name on the outside of the envelope; or (c) if a party is unable to file electronically or use PDF format,

---

<sup>1</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

such party shall submit the objection on a diskette in either Word, WordPerfect, or DOS text (ASCII) format. An objection filed by a party with no legal representation shall comply with section (b) or (c) as set forth in this paragraph. A hard copy of the objection, whether filed pursuant to section (a), (b) or (c), as set forth in this paragraph, shall be delivered directly to the Chambers of the Honorable James M. Peck, and served so as to be received by: (i) Chambers, (ii) local counsel for MidCountry, Day Pitney LLP, 200 Campus Drive, Florham Park, NJ 07932, Attention: Richard M. Meth, Esq., and (iii) primary counsel for MidCountry, Fairfield and Woods, P.C., 1700 Lincoln Street, Suite 2400, Denver, CO 80203, Attention: Scott T. Rodgers, Esq., by April 17, 2009, at 4:00 p.m. (EDT). Only those parties who have timely filed and served an objection to the Motion will be heard at the hearing on the Motion.

**PLEASE TAKE FURTHER NOTICE** that in the event no objections to the relief sought in the Motion are received, the Court may, in its discretion, grant the Motion without the need for a hearing.

Dated: April 1, 2009  
Florham Park, NJ

DAY PITNEY LLP

By: /s/ Richard M. Meth  
RICHARD M. METH (RM7791)  
HERBERT K. RYDER (HK5137)

- and -

FAIRFIELD AND WOODS, P.C.  
Scott T. Rodgers, #19943  
1700 Lincoln Street, Suite 2400  
Denver, CO 80203  
Phone: (303) 830-2400  
Fax: (303) 830-1033  
Email: [srodgers@fwlaw.com](mailto:srodgers@fwlaw.com)

ATTORNEYS FOR MIDCOUNTRY BANK